

## ENVIRONMENTAL PROTECTION COMMISSION[567]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 455B.105(3), the Environmental Protection Commission hereby proposes to rescind Chapter 140, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 141, “Hazardous Waste,” Chapter 148, “Registry of Hazardous Waste or Hazardous Substance Disposal Sites,” Chapter 150, “Location and Construction of Hazardous Waste Treatment, Storage and Disposal Facilities,” and Chapter 151, “Criteria for Siting Hazardous Waste Management Facilities,” Iowa Administrative Code.

Chapter 140 and Chapter 141 were intended to implement Iowa Code sections 455B.411 to 455B.421. Sections 3 and 10 of 2011 Iowa Acts, Senate File 299, signed into law on March 30, 2011, repealed Iowa Code section 455B.411, subsections (5) through (11), and sections 455B.412 to 455B.421. Therefore, these chapters are unnecessary and can be rescinded.

The primary function of Chapter 148 is to establish the procedures for adding new sites to the Registry of Hazardous Waste or Hazardous Disposal Sites. Pursuant to section 5 of 2011 Iowa Acts, Senate File 299, no new sites may be placed on the Registry after July 1, 2011. Therefore, Chapter 148 is no longer needed in regard to the procedure for placing new sites on the Registry. The provisions contained in rule 567—148.6(455B) relating to changes to sites on the Registry are duplicative of Iowa Code sections 455B.427, 455B.429, and 455B.430 and therefore are unnecessary and can be rescinded. The provisions in rule 567—148.7(455B) related to the submission of an annual report to the General Assembly and Governor are duplicative of Iowa Code section 455B.427 and therefore are unnecessary and can be rescinded.

The Iowa Department of Natural Resources proposed and supported the revisions to the statutory authority for 567—Chapter 148 because Iowa has enacted Iowa Code chapter 455I, “Uniform Environmental Covenants Act,” in 2005. Iowa Code chapter 455I provides an alternate, preferred method for regulating contaminated sites in Iowa.

Chapter 150 addresses hazardous waste sites and facilities. 2011 Iowa Acts, Senate File 299, repealed the authority for these facilities (Iowa Code sections 455B.441 to 455B.455). Thus, this chapter is unnecessary and can be rescinded.

Chapter 151 establishes criteria for the siting of hazardous waste management facilities. 2011 Iowa Acts, Senate File 299, repealed the site licensing authority (Iowa Code section 455B.443), so there is no situation where the siting criteria will be applicable.

Any interested persons may submit written comments on the proposed rescissions on or before March 6, 2012. Written comments should be sent to the Iowa Department of Natural Resources, Attn: Angie Clark, 502 E. 9th Street, Des Moines, Iowa 50319; fax (515)281-8895; or e-mail [angie.clark@dnr.iowa.gov](mailto:angie.clark@dnr.iowa.gov).

A public hearing will be held at 1 p.m. on March 6, 2012, in the Fifth Floor Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rescissions.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

The proposed rescissions have no impact on private sector or public sector employment in the state of Iowa. The complete Jobs Impact Statement prepared by the Department is available from the Department upon request.

This amendment is intended to implement 2011 Iowa Acts, Senate File 299.

The following amendment is proposed.

Rescind and reserve **567—Chapter 140, Chapter 141, Chapter 148, Chapter 150 and Chapter 151.**